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| 10/524,001   | 10/12/2005  | Fabio Perini         | 71665               | 9459             |
| 23872 7590 12/10/2008<br>MCGLEW & TUTTLE, PC<br>P.O. BOX 9227<br>SCARBOROUGH STATION<br>SCARBOROUGH, NY 10510-9227 |             |                      |                     |                  |
| EXAMINER   |             |                      |                     |                  |
| ALIE, GHASSEM  |             |                      |                     |                  |
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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/524,001  
Filing Date: October 12, 2005  
Appellant(s): PERINI, FABIO

\_\_\_\_\_  
John James McGlew  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 09/15/08 appealing from the Office action mailed 04/17/08.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

No amendment after final has been filed.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

|                 |                |         |
|-----------------|----------------|---------|
| 2002/0121170 A1 | GAMBARO et al. | 09-2002 |
| 3,905,260       | NYSTRAND       | 09-1975 |
| 2,047,021       | FRIDEN         | 07-1936 |

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

A. Claim 1, 3-6 and 25-26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gambaro et al. (2002/0121170), hereinafter Gambaro, in view of Nystrand (3,905,260), and in further view of Friden (2,047,021). Regarding claim 1, Gambaro teaches an apparatus for producing small rolls 22. Gambaro also teaches a store 12 for storing rolls 20 and supplying the rolls 20 to a cutting-off machine 8 for subdividing the rolls 20 into a plurality of small rolls 22. Gambaro also teaches that the rolls could be pipe or tube, a wound rolls and etc. See Figs. 1-7 and paragraphs 4-50.

Gambaro does not explicitly teach a rewinding machine for producing elongated paper rolls; a trimming device for trimming each roll produced by the rewinding machine; and the store 12 is a trimmed roll store element that stores the trimmed roll receiving the trimmed rolls from the trimming device. However, the use of rewinding machine for producing elongated rolls are well known in the art such as taught by Nystrand. Nystrand teaches a rewinding machine to produce rolls that is supplied to a severing machine or cutting machine 28. See Fig. 2 in Nystrand. It would have been obvious to a person of ordinary skill in the art to provide a rewinding machine for Gambaro's apparatus in order to produce elongated rolls and supply them to the cutting station in the same apparatus.

Gambaro, in view of Nystrand, also does not explicitly teach a trimming device for trimming each roll produced by the rewinding machine; and the store 12 is a trimmed roll store element that stores the trimmed roll receiving the trimmed rolls from the trimming device. However, the use of trimmer to trim the ends of the rolls is well known in the art such as taught by Friden. Friden teaches logs 9 supplied to a trimming machine 50, 51 for trimming the ends of the rolls. See Figs. 1-3 in Friden. Therefore, it would have been

obvious to a person of ordinary skill in the art to provide Gambaro's apparatus, as modified by Nystrand, with a trimming machine, as taught by Friden, in order to trim the end of the rolls and eliminate uneven or rough end edges of the rolls prior to the step of subdividing the rolls into plurality of rolls. It should be noted that the store 12 could store the trimmed rolls. In fact, the rolls stored in the store element 12 in Gambaro are one way or other are trimmed. In other words, the trimmed rolls could be positioned at the starting point of the cutting apparatus in Gambaro. It should be noted that claim calls for a series of machines placed on a floor of a factory. Examiner's position is that it is old and well known in the art to place a multiple machines in series on the floor of a factory to create a process for manufacturing a product.

Regarding claims 3-6, Gambaro as modified by Friden, teaches everything noted above including an entry section for entry for the rolls to be trimmed and an exit section for the exit of the rolls to be trimmed. See Fig. 3 in Friden. Friden also teaches a station with cutting means 50, 51 for trimming the rolls and a roll moving means 17 for moving the rolls 9 between the entry section, the cutting station 50, 51 and the exit section. Friden also teaches a roll retaining means 22 associated with the roll moving means 17 for retaining the rolls 9 when subjected to the movement. Friden also teaches that the rolls retaining means 22 are grippers. Friden also teaches that the grippers 22 are associated with the roll moving means 17 for moving the rolls. It should be noted that the grippers could be defined by the belt 30 that is associated with means 22, which could be defined as means for moving the rolls. The belt 30 is considered to be a plurality of grippers that are connected together. Friden also teaches means 6 for transferring the rolls from the entry section to the moving

means 12 for moving the rolls. Friden also teaches that the means 6 for transferring the rolls 9 being disposed between the section for entry and the means 12 for moving the rolls 9. Friden also teaches that the means for transferring the rolls 9 includes a body 11 mounted on a shaft parallel to the rolls which enter the entry section and the body having a plurality of seats. It should be noted that the screws that mount the body 6 to the plate 8 is considered to be a shaft and the plurality of seats are defined by the steps formed in the body 11. See Fig. 3 in Friden.

Regarding claims 25-26, Gambaro, as modified above, teaches everything noted above including that the trimming device is located upstream of the trimmed log store element, and the cutting-off machine is located downstream of the trimmed log store, the cutting-off being located downstream of the trimming device.

B. Claims 1 and 25-26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Nystrand (3,905,260) in view of Friden (2,047,021). Regarding claim 1, Nystrand teaches an apparatus for producing small paper rolls. Nystrand also teaches a store 24, 25 for storing rolls or trimmed rolls, and a cutting-off machine 28. Nystrand also that the store supplies the rolls or trimmed rolls to the cutting-off machine 28 and the cutting-off subdivides the rolls or trimmed rolls into a plurality of small rolls. See Figs. 1-2 in Nystrand. Nystrand does not teach that a trimming device trims the rolls prior to be transferred to the device 24, 25. However, the use of trimmer to trim the ends of the rolls is well known in the art such as taught by Friden. Friden teaches logs 9 supplied to a trimming machine 50, 51 for trimming the ends of the rolls. See Figs. 1-3 in Friden. Therefore, it would have been obvious to a person of ordinary skill in the art to provide Nystrand's

apparatus with a trimming machine, as taught by Friden, in order to trim the end of the rolls and eliminate uneven or rough end edges of the rolls.

Regarding claims 25-26, Nystrand, as modified above, teaches everything noted above including that the trimming device is located upstream of the trimmed log store element, and the cutting-off machine is located downstream of the trimmed log store, the cutting-off being located downstream of the trimming device.

#### **(10) Response to Argument**

I. Appellant's argument that Nystrand does not provide any suggestion for a cutting-off machine that receives already trimmed paper logs from a trimmed paper log storing unit is not persuasive. It should be noted that the Nystrand teaches that the use of rewinding machine for rewinding a large roll of material to a smaller rolls of material or the rolls of material with smaller thickness is well known in the art. Therefore, the rolls of the material could be fed from a rewinder to the store element in Gambaro. In addition, Friden teaches that the use of end trimmer for trimming the end of rolls is well known in the art. In this case, the end of the rolls which are produced by the rewinding machine could be trimmed by Friden's apparatus and then placed on the store element in Gambaro. Therefore, Gambaro in combination with Friden teaches that cutting-off machine receives already trimmed rolls from a trimmed log storing unit. It should be noted that the store element 12 could store the trimmed rolls. In other words, the trimmed rolls could be positioned at the starting point of the cutting apparatus in Gambaro. In fact, the rolls stored in the store element 12 in Gambaro are one way or other are trimmed. It should be noted that claims calls for a series of machines placed on a floor of a factory. Examiner's position is that it is old and well

known in the art to place a multiple machines in series on the floor of a factory to create a process for manufacturing a product.

Appellant's argument that the references as a whole do not teach or suggest the combination of two separate cutting machines wherein the trimmed logs from one cutting machine is supplied to the other cutting machine by a trimmed log storing unit is not persuasive. In fact, combination of references teaches two separate cutting machines and a store element with is capable of supplying the trimmed rolled from one cutting machine to another cutting machine.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Ghassem Alie/

Primary Examiner, Art Unit 3724

12/04/08

Conferees:

/Boyer D. Ashley/  
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